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DFC #2

ATTY. DOCKET NO. 1709898

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

HAROLD A. DVORACHEK

Serial No. 09/727,166

Filing date assigned: December 1, 2000

For: ROTARY CONTACT STRUCTURES AND  
CUTTING ELEMENTS



Group Art Unit:

Examiner: Not Yet Assigned

Unknown

RECEIVED

JAN 25 2001

OFFICE OF PETITIONS

See also  
89727120  
89726761

**Box: PATENT APPLICATION**

Commissioner for Patents  
Washington, DC 20231

**PETITION TO ACCORD APPLICATION FILING DATE OF  
NOVEMBER 28, 2000 UNDER 37 C.F.R. 1.10 (d)**

Applicant respectfully petitions to accord an earlier filing date, of November 28, 2000, to this application. The application was deposited on November 28, 2000 with the United States Postal Service "Express Mail Post Office to Addressee", with Express Mail label No. EI277423417US. This application as filed included a Certificate of Express mailing, dated November 28, 2000 and signed by the undersigned (Exhibit A). The "Express Mail" mailing label was lost by the USPS and the information of this Express Mail item is missing from the computer USPS Track/Confirm System (Exhibit B), so a corrected filing date under CFR 37§1.10 (d) is respectfully requested.

This petition is being filed promptly after the undersigned became aware of the erroneously accorded filing date for this application. The undersigned declares that she compiled the application materials on November 28, 2000, as can be seen from the attached time entry sheet (Exhibit C). Then I placed the application materials into an envelope addressed to the USPTO and bearing the Express Mail label number EI277423417US, signed the Certificate of Express mailing showing the Express Mail label number EI277423417US, dated the certificate, sealed the envelope, and had it timely delivered to the United States Postal Service facility with ZIP 60603 by 3 p.m. on November 28, 2000, for mailing via Express Mail to the USPTO. Then, according to Chapman and Cutler procedure, the date of deposit with the USPS by Express Mail was promptly docketed on the same date, in our Patent Docket System as the application filing date of November 28, 2000

(Exhibit D). However, the return self-addressed post card (Exhibit E), showing the Express Mail label number EI277423417US, was stamped by the USPTO as filed only on December 1, 2000.

Upon receipt of the return post card with erroneous filing date, the undersigned undertook an investigation. I found that the application apparently was accorded a filing date based on the date of arrival at the USPTO, because the customer copy of the Express mail label has not been received by the undersigned office, and any information of this Express mail package is missing from the USPS tracking system, as indicated by the enclosed printout of the USPS Track/Confirm system (Exhibit B).

However, the above application was deposited at USPS station 60603 concurrently with an application by the same inventor, Attorney Docket number 1709906 (later accorded Serial Number 09/726,761), bearing an Express Mail label EI277423329US. The customer copy of the Express Mail label EI277423329US returned by the USPS, shows that the "DATE IN" information was erroneously omitted by the USPS. A true copy of this Express Mail label EI277423329US is enclosed as Exhibit F. The enclosed printout of the USPS Track/Confirm system, Exhibit G, shows that the application was lost between the USPS station 60603, where both applications were originally deposited on November 28, 2000, and USPS station 60607 in Chicago, where the mail was logged on November 30, 2000. The undersigned inquired of USPS station 60603, where the application was originally deposited, and was told that the Service experienced a backlog because of heavy snowfall in Chicago area on November 26-28. The application SN 09/726,761 was finally delivered to the USPTO at 6:38 a.m. on December 1, 2000, and was also accorded the filing date of December 1, 2000. It can be concluded that, being deposited with the USPS at the same time, this application SN 09/727,166 and the concurrently mailed application SN 09/726,761 were delivered to the USPTO also at the same time. Therefore, the filing date accorded to this application was apparently the date of delivery, and not the date when the application was deposited with the USPS as Express Mail according to the CFR 37 § 1.10 (a).

Therefore, the date accorded to this application should be changed to the date when the application was deposited with the USPS, Chicago station 60603, as Express Mail, as established by an Express Mail Certificate and the evidence of improper handling by the USPS, under CFR 37 § 1.10 (d).

Please accord a corrected filing date of November 28, 2000 to this application.

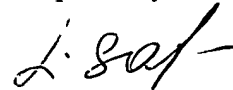
Attached herewith as Exhibits are true copies of the following documents:

- A- Express Mail Certificate showing the filing date of November 28, 2000 in accordance with C.F.R 37 §1.10;

- B- A computer screen printout of the USPS Track/Confirm System page, showing that there is no record of a mail item with the Express Mail label number EI277423417US.
- C- My handwritten time sheet for November 28, 2000, showing that 3.5 hours were spent on preparation and filing of this application, our matter No. 1709898, and a computer printout of my time as entered in the firm's time keeping system, showing my time spent on this new patent application, our matter number 1709898.
- D- A printout of the Patent Docket Case Information Sheet showing the filing date of November 28, 2000 as entered on November 28, 2000 in the Chapman and Cutler Patent Docket System for the application Matter No. 1709898 (the serial number 09/727,166 was entered later upon receipt of the return post card);
- E- Return post card stamped December 1, 2000, indicating the Express Mail label number EI277423417US;
- F- Customer copy of Express Mail label EI277423329US for the concurrently filed application SN 09/726,761, Attorney Docket No. 1709906; and
- G- A computer screen printout of the USPS Track/Confirm system showing that the item with the Express Mail label number EI277423329US was delivered to the USPTO at 6:38 a.m. on December 1, 2000, but was still in Chicago on November 30, at USPS office 60607, although it had been deposited at station 60603 on November 28, 2000.

Acknowledgement that the application is assigned a new filing date of November 28, 2000 is respectfully requested. The Commissioner is authorized to charge any petition fee in connection with this communication to our Deposit Account no. 50-0305.

Respectfully submitted,



Lilia I. Safonov  
Patent Agent,  
Reg. No. 45,967

Date: January 22, 2001  
CHAPMAN AND CUTLER  
111 West Monroe Street  
Chicago, Illinois 60603  
(312) 845-3412



EXPRESS MAIL CERTIFICATE

RECEIVED

JAN 25 2001

OFFICE OF PETITIONS

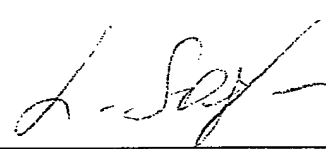
Express Mail Label Number: EI277423417

Date of Deposit: November 28, 2000

I hereby certify that the attached documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Lilia I. Safonov

(Typed or printed name of person  
mailing paper or fee)

  
(Signature of person mailing paper  
or fee)

☒ Application (TM/ITU/PAT)  
☐ Office Action Response  
☐ ( ) Specimens  
☐ 8 & 15 Affidavit  
☐ Fee to Deposit Account  
☐ Renewal Application  
☐ Cover Letter  
☐ Statement of Use  
☐ Request for Extension of Time  
☐ Maintenance Fee  
☐ Recordal Documents  
☒ Other (specify) PVA and  
Small Entity Statement

File No. 1709898 Attorney JR C  
Applicant Harold A. Dvorachen

Mark/Title Rotary Contact  
Structures and Cutting Elements

U.S.S.N.        Reg. No.       

Fee Amount \$625 Dep. Acct. Used Y (N)

Due Date        Mailing Date 11/28/00

EI277423417US

EXHIBIT

A



Back



Forward



Reload



Home



Search



Netscape



Images



Print



Security



Stop

Netsite:

<http://www.framed.usps.com/cgi-bin/ottgate/ontrack.cgi>UNITED STATES  
POSTAL SERVICE®[Home](#)**TRACK/****delivery status**

You entered EI277423417US

There is no record of that mail item. If it was mailed recently, it may not yet be tracked. Please try again later.

Enter the number from your shipping receipt into field below.

Item Number:

**Go**You can track delivery of **Express Mail** and **Global Express Guaranteed** and confirm delivery for **Priority Mail** and **Parcel Post**.

Fly Like an Eagle.™



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EXHIBIT

B

NAME		DATE		YEAR
1043587	Review new correspondence	0	5	
1709906	Review new patent application, prepare declaration,	3	5	
1709898	small entity statement transmittal, fee filed with the USPTO	3	5	
1750801	Sent comments to translator	0	5	
TOTAL CLIENT BILLABLE HOURS		8	0	
O - OFFICE TIME				
D - DEPARTMENT TIME				
N - NEW BUSINESS PROMOTION				
P - PROFESSIONAL ACTIVITIES/CLE				
C - CHARITABLE				
I - ILLNESS				
V - VACATION				
M - MISCELLANEOUS				
TOTAL CLIENT BILLABLE HOURS				



C-1



1128 7715 11/28/00 1043587 GENERAL 0.5  
Client Name: LITTELFUSE, INC.

Desc: REVIEW CORRESPONDENCE; DOCKETING; FILING.

1128 7715 11/28/00 1709906 PAT (US) ROTARY ROCK DRILL B 3.5  
Client Name: HAROLD A. DVORACHEK

Desc: REVIEW NEW APPLICATION; PREPARE DECLARATION; SMALL ENTITY  
STATEMENT; TRANSMITTAL; FEE; FILED WITH USPTO.

1128 7715 11/28/00 1709898 PAT (US) ROTARY ROCK DRILL C 3.5  
Client Name: HAROLD A. DVORACHEK

Desc: REVIEW NEW APPLICATION; PREPARE DECLARATION; SMALL ENTITY  
STATEMENT; TRANSMITTAL; FEE; FILED WITH USPTO.

1128 7715 11/28/00 1750801 PAT (US) METHOD OF MFG. REFL 0.5  
Client Name: NIKON CORPORATION

Desc: SENT COMMENTS TO TRANSLATOR.

\*\*\* Total for Batch Date 11/28/00 8.0

EXHIBIT

C-2



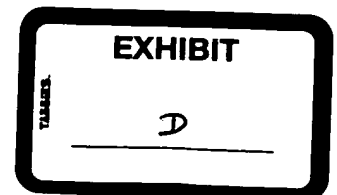


Patent Docket - Shared	
<b>Patent Case Information</b>	
<b>Matter #</b>	1709898
<b>Matter Name</b>	Rotary Contact Structures and Cutting
<b>Serial #</b>	09/727,166
<b>Country</b>	US
<b>Filing Date</b>	11/28/2000
<b>Assignee</b>	
<b>Issue Date</b>	
<b>Patent Number</b>	
<b>Abandon Date</b>	
<b>Bar Date</b>	
<b>Applicant</b>	Harold A. Dvorachek
<b>Associate</b>	
<b>Client Ref #</b>	
<b>Warnings:</b>	Application parts missing.
<b>Inventor</b>	Harold A. Dvorachek
<b>Case Type</b>	ord
<b>Group Number</b>	
<b>Examiner</b>	
<b>Application Parts</b>	
<input checked="" type="checkbox"/> Specification	<input type="checkbox"/>
<input type="checkbox"/> Formal Drawings	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Power of Atty	<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Return Postcard	<input checked="" type="checkbox"/> Assignment
<input type="checkbox"/> Cert Priority	<input checked="" type="checkbox"/> Small Entity
<input type="checkbox"/> IDS	<input type="checkbox"/>
<b>Filing Receipt</b> <input type="checkbox"/>	

**Patent Layo...**  
  
**Records:** 660  
**Found:** 1  
**Unsorted**

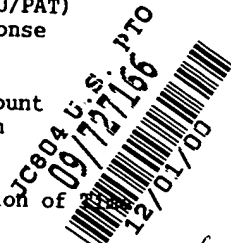
**MAIN MENU**

**100%** **Browse**





☒ Application (TM/ITU/PAT)  
☐ Office Action Response  
☐ ( ) Specimens  
☐ 8 & 15 Affidavit  
☐ Fee to Deposit Account  
☐ Renewal Application  
☐ Cover Letter  
☐ Statement of Use  
☐ Request for Extension of Time  
☐ Maintenance Fee  
☐ Recordal Documents  
☒ Other (specify) POA and



Small Entity Statement

File No. 1709898 Attorney JRC

Applicant Harold A. Avoracher

Mark/Title Rotary Contact  
Structures and Cutting Elements

U.S.S.N. — Reg. No. —

Fee Amount \$625 Dep. Acct. Used Y ☒ (N)

Due Date — Mailing Date 11/28/00

EI277423417US

EXHIBIT

E



POST OFFICE TO ADDRESSEE

E1277423329US

ORIGIN (POSTAL USE ONLY)		Day of Delivery		Flat Rate Envelope	
PO ZIP Code		<input type="checkbox"/> Next	<input type="checkbox"/> Second	<input type="checkbox"/> Postage	
Date In		Mo. Day Year		Postage \$	
Time In		<input type="checkbox"/> AM <input type="checkbox"/> PM		Return Receipt	
Weight		Int'l Alpha Country Code		C.O.D.	
lbs ozs		Acceptance Clerk Initials		Total Postage & Fees \$	
<input type="checkbox"/> No Delivery		<input type="checkbox"/> Weekend		<input type="checkbox"/> Holiday	

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND  
INSURANCE COVERAGE LIMITS

CUSTOMER USE ONLY

METHOD OF PAYMENT

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or  
Postal Service Acct. No.

☐ WAIVER OF SIGNATURE (Domestic Only) I wish delivery to be made without obtaining signature of addressee or addressee's agent. If delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.

☐ NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature

FROM: (PLEASE PRINT)

PHONE

TO: (PLEASE PRINT)

PHONE

JOHN W. HARRIS  
Chairman and President  
111 West Monroe  
Chicago, IL 60601

CHARLES HARRIS FOR HARRIS  
Box 1000  
Washington, DC 20001

L. Mitter 111 West Monroe

L

L

EXHIBIT

F

FOR PICKUP OR TRACKING CALL 1-800-222-1811



Label 11-B October 1995

Customer Copy





Back



Forward



Reload



Home



Search



Netscape



Images



Print



Security



Stop

Netsite:

<http://www.framed.usps.com/cgi-bin/cttgate/ontrack.cgi>UNITED STATES  
POSTAL SERVICE®

USPS

Home

TRACK/

## delivery status

You entered EI277423329US

Your item was delivered at 6:38 am on December 1 in  
WASHINGTON DC 20231.

Here is what happened earlier:

- December 1 4:53 am ARRIVAL AT UNIT 20096
- November 30 5:00 pm ACCEPT OR PICKUP  
CHICAGO IL 60607

Enter the number from your shipping receipt into  
field below.

Item Number:

Go

You can track delivery of **Express Mail** and **Glo**  
**Express Guaranteed** and confirm delivery for  
**Priority Mail** and **Parcel Post**.

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EXHIBIT

G